

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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FEDERAL INSURANCE COMPANY,

Plaintiff,

-against-

CAC of NY, INC. and CUTLASS  
INDUSTRIES,

Defendants.

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**ORDER**

14-cv-4132 (DRH) (SIL)

**HURLEY, District Judge:**

On September 5, 2014, this Court referred plaintiff's motion for an entry of default judgment against defendants CAC of NY, Inc. and Cutlass Industries (collectively "defendants") in the above-captioned case to U.S. Magistrate Judge Steven I. Locke, pursuant to 28 U.S.C. § 636(b)(3), for a report and recommendation. On February 5, 2015, Judge Locke issued a Report and Recommendation that plaintiff's motion for default judgment be granted and damages awarded as follows: compensatory damages in the amount of \$188,636.00, prejudgment interest through the date of filing of the motion in the amount of \$30,043.96, plus per diem interest in the amount of \$46.52 per day from September 4, 2014 to the date of entry of judgment. Judge Locke further recommended that plaintiff's request for leave to file a motion for attorneys' fees and costs be granted. On February 24, 2015, defendants were served with a copy of the Report and Recommendation. More than fourteen days have elapsed since service of the Report and Recommendation, and neither party has filed any objections to it.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, this Court adopts the February 5, 2015 Report and Recommendation of Judge Locke as if set forth herein. The Court therefore directs that plaintiff recover from defendants, jointly and severally, the amount of \$218,679.96, plus per diem interest from September 4, 2014 through entry of judgment in the amount of \$46.52 per day and that judgment be entered accordingly. Upon entry of judgment, the Clerk of Court is directed to close this case.

Plaintiff's request for leave to file a motion for attorney's fees and costs is granted; said motion, if any, shall be filed in accordance with Fed. R. Civ. P. 54(d)(2).

**SO ORDERED.**

Dated: Central Islip, N.Y.  
March 16, 2015

/s/  
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Denis R. Hurley  
United States District Judge